IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1127 OF 2017

Rameshbabu Sanjeev Naidu
@ Sumersingh Nandasingh Boota ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.R.M.Narvankar i/b. Anup Lahoti, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent/State.

Mr.Ramesh Yadav, PI, EOW, Mumbai.

....

CORAM : A.M.BADAR J.

DATED : 1st NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.12 of 2008 for offences punishable under Sections 255, 260, 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, by this application, is seeking his release on bail after filing of the charge-sheet.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was in fact working with one Sharad Teli @ Mansur Ali Khan. Said Mansur Ali Khan executed agreement to sell apartments of Lakasa Housing Construction Company in their favour. It is argued that the

applicant is himself a victim of the crime in question and he has not received any amount in the transaction. It is further argued that the co-accused have already been released on bail.

3 The learned Additional Public Prosecutor opposed the application by contending that some of the co-accused, who are released are absconding and against them proclamation has been issued by the learned trial Court. The learned APP further argued that statement of Manmohanbhai Sehgal owner of Lakasa Housing Construction shows that he has never executed power of attorney in favour of the present applicant. The present applicant has procured power of attorney by pretending his name as Sumersingh Nandasingh Boota when in fact his name is Rameshbabu Sanjeev Naidu. The learned APP relied on the statement of the Sub-Registrar as well as agreement to sell the apartments.

4 I have carefully considered the rival submissions and also perused the charge-sheet.

5 The crime in question is registered on the basis of report lodged by the Deputy General Manager of the Bank of India, Mumbai. According to the prosecution case, Hiten Bhupen Shah, Pawan, Smt.Archana Taparia, Ajit Satam and Vishnu Bandekar have obtained home loan totaling to Rs.82,36,452/- from the Bank of India on the basis of forged documents. The

present applicant by using name as Sumersingh Nandasingh Boota has obtained forged power of attorney allegedly executed by Manmohanbhai Sehgal – partner of Lakasa Housing Construction Company. With the aid of this forged power of attorney, the present applicant is stated to have executed and registered agreement to sell the apartments of Lakasa Housing Construction Company from its building "Lakasa Angad Tower" in favour of Hiten Bhupen Shah, Pawan, Smt.Archana Taparia, Ajit Satam and Vishnu Bandekar. The prosecution further alleged that bogus bank accounts were opened by accused - customers of Bank of India and loan amount was deposited in those accounts and subsequently, it was withdrawn by them.

6 The role attributed to the present applicant is that of getting the power of attorney executed in his favour in bogus name – Sumersingh Nandasingh Boota. Statement of Manmohanbhai Sehgal shows that he had never executed such power of attorney in favour of so called Sumersingh Nandasingh Boota. Statement of Sub-Registrar as well as copies of agreement to sell shows photograph of the present applicant thereon, whose real name is Rameshbabu Sanjeev Naidu as executant of those documents.

7 Though it is argued that Section 120-B of the IPC is not attracted so far as the present applicant is concerned, the fact that

the applicant has got forged power of attorney executed in the name of Sumersingh Nandasingh Boota and appeared before the Sub-Registrar as Sumersingh Nandasingh Boota for executing agreement of sale of apartments in favour of five co-accused *prima facie* reflects that he is the part of the conspiracy. The offence involved is a economic offence in which public funds are siphoned off by accused persons.

8 Considering the nature of offences and the role attributed to the present applicant in the crime in question, I am of the considered opinion that the applicant is not entitled for bail in this economic offence.

9 The application is, therefore, rejected.

(A.M.BADAR J.)